

1064 U.S. PRO  
01/03/02

01-08-02 A

PTO/SB/05 (03-01)

Approved for use through 10/31/2002 OMB 0651-0032

U S Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. RIC97094

First Inventor Fee et al.

Title VERIFICATION OF PATH INTEGRITY IN OPTICAL SWITCH NETWORK

Express Mail Label No. EJ096996307US

10/04/0226  
01/03/02**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original and a duplicate for fee processing)*
2.  Applicant claims small entity status.  
See 37 CFR 1.27
3.  Specification [Total Pages 53]  
*(preferred arrangement set forth below)*
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C. 113) [ Total Sheets 14 ]
5. Oath or Declaration [ Total Pages 2 ]  
 a.  Newly executed (original or copy)  
 b.  Copy from a prior application (37 CFR 1.63 (d))  
*(for continuation/divisional with Box 18 completed)*
  - i.  **DELETION OF INVENTOR(S)**  
 Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
6.  Application Data Sheet. See 37 CFR 1.76

**ADDRESS TO:** Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a.  Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9.  Assignment Papers (cover sheet & document(s))
10.  37 CFR 3.73(b) Statement  Power of Attorney *[initials]*, DEC.
11.  English Translation Document (if applicable)
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15.  Certified Copy of Priority Document(s) (if foreign priority is claimed)
16.  Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other: 7 References; and 2 postcards

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation     Divisional     Continuation-in-part (CIP)    of prior application No. \_\_\_\_\_ / \_\_\_\_\_

Prior application information. Examiner \_\_\_\_\_

Group Art Unit. \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**19. CORRESPONDENCE ADDRESS**

|   |                         |          |    |   |
|---|-------------------------|----------|----|---|
| <input checked="" type="checkbox"/> Customer Number or Bar Code Label |                         |          | or | <input type="checkbox"/> Correspondence address below |
| Name  |                         |          |    |   |
| Address   | 25537                   |          |    |   |
|   | PATENT TRADEMARK OFFICE |          |    |   |
| City  | State                   | Zip Code |    |   |
| Country   | Telephone               | Fax      |    |   |

|                   |                   |                                   |               |
|-------------------|-------------------|-----------------------------------|---------------|
| Name (Print/Type) | Frank McKiel, Jr. | Registration No. (Attorney/Agent) | 43,792        |
| Signature         |                   |                                   | Date 12/27/01 |

Burden Hour Statement This form is estimated to take 0 2 hours to complete Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 3382.00)

## Complete if Known

|                      |                 |
|----------------------|-----------------|
| Application Number   | To be Assigned  |
| Filing Date          | January 3, 2002 |
| First Named Inventor | Fee et al.      |
| Examiner Name        | Not Assigned    |
| Group Art Unit       | Not Assigned    |
| Attorney Docket No.  | RIC97094        |

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **13-2491**

Deposit Account Name **WorldCom, Inc.**

- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:

- Check  Credit card  Money Order  Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Small Entity  
Fee Fee Fee Fee Fee Description

| Code (\$) | Code (\$) | Fee Paid               |
|-----------|-----------|------------------------|
| 101 710   | 201 355   | Utility filing fee     |
| 106 320   | 206 160   | Design filing fee      |
| 107 490   | 207 245   | Plant filing fee       |
| 108 710   | 208 355   | Reissue filing fee     |
| 114 150   | 214 75    | Provisional filing fee |

SUBTOTAL (1) (\$ 710.00)

## 2. EXTRA CLAIM FEES

| Total Claims       | Extra Claims | Fee from below | Fee Paid           |
|--------------------|--------------|----------------|--------------------|
| Independent Claims | 104          | -20** = 84     | x 18 = <b>1512</b> |
| Multiple Dependent | 17           | - 3** = 14     | x 80 = <b>1120</b> |
|                    |              |                | =                  |

## Large Entity Small Entity

Fee Fee Fee Fee Fee Description

| Code (\$) | Code (\$) | Fee Description  |
|-----------|-----------|--|
| 103 18    | 203 9     | Claims in excess of 20                                     |
| 102 80    | 202 40    | Independent claims in excess of 3                          |
| 104 270   | 204 135   | Multiple dependent claim, if not paid                      |
| 109 80    | 209 40    | ** Reissue independent claims over original patent         |
| 110 18    | 210 9     | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ 2632.00)

\*\* or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Code (\$)  | Fee Code (\$) | Fee Description | Fee Paid |
|--------------|--------------|--|---------------|-----------------|----------|
| 105 130      | 205 65       | Surcharge - late filing fee or oath  |               |                 |          |
| 127 50       | 227 25       | Surcharge - late provisional filing fee or cover sheet                     |               |                 |          |
| 139 130      | 139 130      | Non-English specification  |               |                 |          |
| 147 2,520    | 147 2,520    | For filing a request for ex parte reexamination                            |               |                 |          |
| 112 920*     | 112 920*     | Requesting publication of SIR prior to Examiner action                     |               |                 |          |
| 113 1,840*   | 113 1,840*   | Requesting publication of SIR after Examiner action                        |               |                 |          |
| 115 110      | 215 55       | Extension for reply within first month                                     |               |                 |          |
| 116 390      | 216 195      | Extension for reply within second month                                    |               |                 |          |
| 117 890      | 217 445      | Extension for reply within third month                                     |               |                 |          |
| 118 1,390    | 218 695      | Extension for reply within fourth month                                    |               |                 |          |
| 128 1,890    | 228 945      | Extension for reply within fifth month                                     |               |                 |          |
| 119 310      | 219 155      | Notice of Appeal   |               |                 |          |
| 120 310      | 220 155      | Filing a brief in support of an appeal                                     |               |                 |          |
| 121 270      | 221 135      | Request for oral hearing   |               |                 |          |
| 138 1,510    | 138 1,510    | Petition to institute a public use proceeding                              |               |                 |          |
| 140 110      | 240 55       | Petition to revive - unavoidable   |               |                 |          |
| 141 1,240    | 241 620      | Petition to revive - unintentional   |               |                 |          |
| 142 1,240    | 242 620      | Utility issue fee (or reissue)   |               |                 |          |
| 143 440      | 243 220      | Design issue fee   |               |                 |          |
| 144 600      | 244 300      | Plant issue fee  |               |                 |          |
| 122 130      | 122 130      | Petitions to the Commissioner  |               |                 |          |
| 123 50       | 123 50       | Petitions related to provisional applications                              |               |                 |          |
| 126 240      | 126 240      | Submission of Information Disclosure Stmt                                  |               |                 |          |
| 581 40       | 581 40       | Recording each patent assignment per property (times number of properties) |               |                 | 40.00    |
| 146 710      | 246 355      | Filing a submission after final rejection (37 CFR § 1.129(a))              |               |                 |          |
| 149 710      | 249 355      | For each additional invention to be examined (37 CFR § 1.129(b))           |               |                 |          |
| 179 710      | 279 355      | Request for Continued Examination (RCE)                                    |               |                 |          |
| 169 900      | 169 900      | Request for expedited examination of a design application                  |               |                 |          |
|              |              | Other fee (specify) Submission of Corrected Application Papers             |               |                 |          |

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 40.00)

## SUBMITTED BY

Complete (if applicable)

|                   |                             |                                   |        |           |              |
|-------------------|-----------------------------|-----------------------------------|--------|-----------|--------------|
| Name (Print/Type) | Frank McKiel, Jr.           | Registration No. (Attorney/Agent) | 43,792 | Telephone | 719-535-6307 |
| Signature         | <i>Frank M. McKiel, Jr.</i> |                                   |        | Date      | 12/27/01     |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

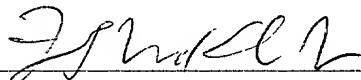
**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

|                      |  |
|----------------------|--|
| First Named Inventor | Fee et al  |
| Title                | VERIFICATION OF PATH INTEGRITY IN OPTICAL SWITCH NETWORK |
| Atty Docket Number   | RIC97094   |

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

12/27/01

Date



Signature

Frank A. McKiel, Jr. Reg. No.: 43,792

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement. This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.